

Permit Number: _____

Coverage Date: _____

Issuance Date: March 1, 2000

Effective Date: April 1, 2000

Expiration Date: March 31, 2005

**DAIRY OPERATION
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
AND STATE WASTE DISCHARGE GENERAL PERMIT
March 1, 2000**

**State of Washington
Department of Ecology
Olympia, Washington 98504**

**In compliance with the provisions of
Chapter 90.48 and 90.64 Revised Code of Washington as amended
and
The Federal Water Pollution Control Act as amended
(The Clean Water Act)
Title 33 United States Code, Section 1251 et seq.**

Until this permit expires, is modified or revoked, permittees that have properly obtained coverage by this permit are authorized to discharge to waters of the State in accordance with the special and general conditions which follow.

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Department of Ecology

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SPECIAL CONDITIONS

S1. PERMIT COVERAGE

A. Permit Required

1. Any dairy animal feeding operation defined in RCW (Revised Code of Washington) 90.64.010(9) that meets the definition of a concentrated dairy animal feeding operation in RCW 90.64.010(8) or is designated as a significant contributor of pollution under RCW 90.64.020 or meets the definition of a Concentrated Animal Feeding Operation under 40 CFR (Code of Federal Regulations) Part 122.23, is required to obtain coverage under this general permit.
2. Any dairy animal feeding operation requiring coverage under this permit by meeting the definition of a Concentrated Animal Feeding Operation or Concentrated Dairy Animal Feeding Operation that has not obtained coverage will be deemed to be in violation of the State Water Pollution Control Act (Chapter 90.48 RCW) and the Federal Clean Water Act, and will be subject to the enforcement sanctions provided in these acts for unlawfully discharging without a permit.
3. Any dairy animal feeding operation that is not required to obtain permit coverage under this permit may voluntarily elect to do so in exchange for the benefits of permit coverage.

B. General Permit Coverage

1. Upon issuance of this general permit, a dairy waste discharge permit application form shall be submitted by all dairies required to have a permit (as specified in Condition S1.A.1.) within 90 days. The form will be provided by the Department of Ecology.

Any dairy animal feeding operation that is not required to obtain permit coverage under this permit may voluntarily elect to do so in exchange for the benefits of permit coverage.

2. Any dairy operation requiring a permit, but not wishing to be covered or limited by this general permit may make application for an individual NPDES/State permit in accordance with the NPDES application

procedures in (WAC 173-220-040) or state waste discharge application procedures (WAC 173-216-070) as applicable.

3. This general permit does not cover activities or discharges covered by an individual NPDES or state permit until the individual permit has expired or been canceled. Any person conducting an activity covered by an individual permit but which may be covered by this general permit may request coverage under this general permit.
4. Coverage under this general permit will be terminated upon the issuance of an individual permit.
5. Any dairy covered by this general permit must, at all times, comply with all conditions of this permit. The Department of Ecology may issue a compliance schedule with the general permit for applicants that are not in compliance with any conditions in this general permit.
6. Compliance with the terms and conditions of this permit and the dairy nutrient management plan by permittees satisfies the compliance test described in RCW 90.64.030(8) in the state Dairy Nutrient Management Act.
7. This permit applies to any discharge from the process wastewater collection, confinement, storage and handling areas of the permittee, including transfer facilities and land application activities under the control of the permittee.

C. Individual Permit Coverage

The Director may require any concentrated dairy animal feeding operation to apply for and obtain an individual permit, or to apply for and obtain coverage under another more specific general permit under WAC 173-226-240 (2). In cases where the director requires any discharger to apply for an individual permit the discharger will be notified in writing that another permit is required. This notice will include a statement of why another permit is being required, an application form, and a time limit for submitting the application. Until the individual permit is issued and effective, permit coverage will continue under the general permit.

D. Definitions

1. "Bypass" means the intentional diversion of waste streams from any portion of the treatment facility. The applicable requirements of 40 CFR 122.41 apply.

2. "Catastrophic event" means a tornado, hurricane, 25 year flood, 25-year 24-hour rainfall event or other extreme condition that would cause an overflow from a required waste retention structure.
3. "Chronic event" means a series of wet weather conditions that precludes the proper operation of a dairy nutrient management system that is designed for the current dairy herd size.
4. "Concentrated animal feeding operation" or "Concentrated dairy animal feeding operation" means a dairy animal feeding operation where either of the following criteria are met:
 - a. Has more than 700 mature dairy cattle (whether milked or dry cows) that are confined; or
 - b. Has more than 200 mature dairy cattle (whether milked or dry cows) that are confined from which pollutants are discharged into waters of the State through a manmade ditch, flushing system or other similar man-made device or pollutants are discharged directly into surface or ground waters of the State which originate outside of and pass over, across, or through the facility or otherwise come into direct contact with the animals confined in the operation.

No dairy animal feeding operation is a concentrated animal feeding operation or concentrated dairy animal feeding operation if such dairy animal feeding operation discharges only in the event of a 25-year, 24-hour rainfall event.

- c. The director may designate any dairy animal feeding operation as a concentrated animal feeding operation or concentrated dairy animal feeding operation upon determining that it is a significant contributor of pollution to the surface or ground waters of the state. A notice of intent to apply for a permit shall not be required from a dairy animal feeding operation under this section until the director has conducted an on-site inspection of the operation and determined that the operation should and could be regulated under the permit program.

In making such a designation, the director shall consider the following factors:

- i. The size of the dairy animal feeding operation and the amount of wastes reaching waters of the state;

- ii. The location of the dairy animal feeding operation relative to waters of the state;
 - iii. The means of conveyance of animal wastes and process waters into the waters of the state;
 - iv. The slope, vegetation, rainfall, and other factors affecting the likelihood or frequency of discharge of animal wastes and process waste waters into the waters of the state; and
 - v. Other relevant factors established by the department by regulation.
- 5. "Dairy animal feeding operation" means a lot or facility where the following conditions are met;
 - a. Dairy animals that have been, are, or will be stabled or confined and fed for a total of forty-five days or more in any twelve month period; and
 - b. Crops, vegetation forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility. Two or more dairy animal feeding operations under common ownership are considered, for the purposes of this permit, to be a single dairy feeding operation if they adjoin each other or if they use a common area or system for disposal of process wastewater.
- 6. "Dairy" means a facility engaged in the commercial production of milk from dairy cows.
- 7. "Dairy Nutrient Management Plan" means a written plan containing the minimum elements for dairy nutrient management planning required under RCW 90.64.026 (2) that has been approved by the local conservation district and certified by both the local conservation district and dairy producer under RCW 90.64.026.
- 8. "Director" means the Director of the State of Washington Department of Ecology or his/her authorized representative.
- 9. "Discharged directly" means:
 - a. A discharge of pollutants into waters of the State through a manmade ditch, flushing system or similar manmade device, or;

- b. The application of process wastes to land not consistent with the times and/or rates specified in the dairy nutrient management plan.
- 10. "Ground water" and "Underground water" means water in a saturated zone or stratum beneath the surface of land or below a surface water body.
- 11. "Process wastes" means any manure, waste food, waste bedding material, liquid manure, process generated wastewater, silage runoff or leachate, and any precipitation which comes into contact with any manure, litter, bedding material, or any other raw material or final product.
- 12. "Significant contributor of pollution" means:
 - a. Any Dairy Animal Feeding Operation, regardless of size, that meets criteria (S1.D.4.(c)) of the Concentrated Animal Feeding Operation or Concentrated Dairy Animal Feeding Operation definitions; or,
 - b. Any Dairy Animal Feeding Operation directly discharging pollutants that causes or contributes to a violation of state Surface Water Quality Standards, Chapter 173-201A WAC, or state Ground Water Quality Standards, Chapter 173-200 WAC.
- 13. "Waste storage facilities" means the physical system used for the isolation and retention of process wastes on the dairy until their ultimate utilization.
- 14. "Upset" means an exceptional incident in which there is an unintentional and temporary noncompliance with technology based effluent limitations because of factors beyond the reasonable control of the dairy. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities lack of preventative maintenance or careless or improper operation. The applicable requirements of 40 CFR 122.41 apply.
- 15. "Waters of the state" includes lakes, rivers, ponds, streams, inland waters, underground waters, salt waters and all other surface waters and water courses within the jurisdiction of the State of Washington.
- 16. "25-year, 24-hour rainfall event" means a rainfall event with a probable recurrence interval of once in twenty-five years as defined by the National Weather Service in Technical Paper Number 40, "Rainfall Frequency Atlas of the United States", May 1961, and subsequent amendments, or equivalent regional or state rainfall probability information developed therefrom.

17. "25 year flood" means a flood expected to occur once every 25 years as defined by the U.S. Geological Survey Investigations Report Number 97-4277, "Magnitude and Frequency Floods in Washington", 1998 and subsequent amendments.

S2. EFFLUENT LIMITATIONS

Beginning on the date of individual facility coverage of this permit, the permittee is authorized to discharge only in accordance with the following conditions:

A. Surface Water Effluent Limitations

There shall be no discharge of process wastes to surface waters of the state, except when chronic or catastrophic events cause an overflow from facilities designed, constructed and operated to contain all process generated wastewater plus the runoff from a 25-year, 24-hour rainfall event for that location.

Discharges to surface waters due to upset or bypass are only authorized in accordance with applicable requirements in 40 CFR 122.41.

B. Ground Water Effluent Limitations

The permittee shall apply process wastes to lands as specified in the dairy nutrient management plan written specifically for that dairy operation. Process waste discharges, including seepage from waste storage facilities, shall not violate State Ground Water Quality Standards (Chapter 173-200 WAC).

Contaminant concentrations found in saturated soils where those contaminants are chemicals, or nutrients that have been applied at agronomic rates for agricultural purposes if those contaminants will not cause pollution of any groundwaters below the root zone are exempt from all requirements of Chapter 173-200 WAC.

S3. DAIRY NUTRIENT MANAGEMENT PLANS

A. Plan Elements

All dairies covered under this permit shall have a current dairy nutrient management plan. That plan shall conform to the guidelines contained in the U.S. Natural Resources Conservation Service Field Office Technical Guide, shall be adequate for the existing dairy herd size, and at least meet the minimum elements for dairy nutrient management planning established by the Washington Conservation Commission under RCW 90.64.026(2).

B. Plan Compliance

Upon approval and certification of implementation of a dairy nutrient management plan, any dairy operation covered by this general permit must, at all times, comply with the terms and conditions of that dairy nutrient management plan. The application and/or discharge of any process wastewater more frequently than, at a concentration in excess of, or at times not specified in the dairy nutrient management plan shall constitute a violation of the terms and conditions of this permit. Full compliance all times with all terms and conditions in a current nutrient management plan for the existing herd size constitutes compliance with Condition S.3.B of this permit.

S4. WASTE STORAGE FACILITIES

All new waste storage facilities constructed after the issuance date of this permit that are identified in a new or updated animal waste management plan shall be sited, designed, constructed, operated and maintained consistent with the dairy's nutrient management plan developed under Condition S3.A of this permit.

S5. MONITORING, REPORTING AND RECORD RETENTION REQUIREMENTS

A. Monitoring Requirements

If a discharge to surface waters occurs that is not allowed by the Surface Water Effluent Limitation (Condition S.2.A), the permittee shall record the following information:

- a. A description and cause of the discharge;
- b. The period of discharge including exact dates, times and duration of discharge;
- c. An estimate of discharge volume;
- d. Name or location of receiving water; and
- e. Corrective steps taken if appropriate, to reduce, eliminate or prevent reoccurrence of the discharge.

B. Reporting Requirements

1. If a discharge to surface water occurs that is not allowed by the Surface Water Effluent Limitation (Condition S.2.A) the permittee shall notify the appropriate Department of Ecology regional office within 24 hours of the discharge. Phone numbers and contacts for each region/office are as follows:

Bellingham Field Office	(360)738-6259
Central Region	(509) 575-2490

Eastern Region	(509) 456-2926
Northwest Region	(425) 649-7000
Southwest Region	(360) 407-6300

The permittee shall submit a written report within five (5) days to the appropriate Department of Ecology regional office. The information to be submitted is listed in the monitoring requirements (Section S5.A.) of this permit.

2. The permittee shall report to the appropriate Department of Ecology Office within 24 hours of becoming aware of any significant physical failure at any time of a waste retention structure required under this permit.

C. Retention of Records

All information required by this permit shall be maintained at the dairy and available to the Department of Ecology for a period of three years.

S6. PREVENTION OF SYSTEM OVERLOADING

Animal herd size shall not exceed the capacity of the waste storage facilities for the dairy. The permittee shall update its dairy nutrient management plan consistent with Condition S3.A of this permit, update all system components identified as being in need of upgrading, and shall provide a written copy of that updated dairy nutrient management plan to the Department of Ecology regional office prior to increasing the number of animals over the maximum herd size identified in the existing dairy nutrient management plan.

S7. TERMINATION OF COVERAGE

The owner of a concentrated dairy animal feeding operation may request that coverage under this general permit be terminated. The request must be submitted to the appropriate Ecology regional office in writing and must be accompanied by the following:

- a. A copy of the current dairy nutrient management plan; and
- b. (i) A statement signed by the owner that all facilities and best management practices have been installed and have been in operation for not less than 36 months, and (ii) that there has not been a violation of permit condition S2 for the past 36 consecutive months.

Ecology will respond to the request for termination by conducting a site inspection and a review of the permit file. A written determination either terminating coverage under the general permit or denying the request will be sent to the permittee.

GENERAL CONDITIONS

G1. Discharge Violations:

All application and activities authorized by this permit shall be consistent with the terms and conditions of this permit. The application and/or discharge of any process waste more frequently than, or at a concentration in excess of, that authorized by this permit shall constitute a violation of the terms and conditions of this permit.

G2. Proper Operation and Maintenance:

The permittee shall at all times properly operate and maintain all facilities and systems used for dairy process waste collection, storage and utilization.

G3. Maintaining Compliance if System Fails:

The permittee, in order to maintain compliance with its permit, shall control all applications and discharges upon reduction, loss or failure of the waste storage or utilization facilities until the facilities are restored or an alternative method of storage and/or utilization is provided. This requirement applies where the primary source of power is reduced, lost, or fails.

G4. Noncompliance Notification:

If for any reason, the permittee does not comply with, or will be unable to comply with, any of the requirements or conditions specified in the permit, the permittee shall, at a minimum, provide the Department of Ecology with the following information:

- a. A description of the nature and cause of noncompliance, including the quantity and quality of any unauthorized waste discharges;
- b. The period of noncompliance, including exact dates and times and/or the anticipated time when the permittee will return to compliance; and
- c. The steps taken, or to be taken, to reduce, eliminate, and prevent recurrence of the noncompliance,

In addition, the permittee shall take immediate action to stop, contain, and clean up any unauthorized discharges and take all reasonable steps to minimize any adverse impacts to waters of the state and correct the problem. The permittee shall notify the Department of Ecology by telephone so that an investigation can be made to evaluate any resulting impacts and the corrective actions taken to determine if additional action should be taken.

In the case of any discharge subject to any applicable toxic pollutant effluent standard under Section 307(a) of the Clean Water Act, or which could constitute a threat to human health, welfare, or the environment, 40 CFR Part 122 requires that the information specified in conditions G4.a., G4.b., and G4.c., above, shall be provided not later than 24

hours from the time the permittee becomes aware of the circumstances. If this information is provided orally, a written submission covering these points shall be provided within five days of the time the permittee becomes aware of the circumstances, unless the department waives or extends this requirement on a case-by-case basis.

Compliance with these requirements does not relieve the permittee from responsibility to maintain continuous compliance with the conditions of this permit or the resulting liability for failure to comply.

G5. Right of Inspection:

The permittee shall allow an authorized representative of the Department of Ecology, upon the presentation of credentials and such other documents as may be required by law:

- a. To enter upon the property where a potential or actual discharge is located;
- b. To have access to and copy at reasonable times any records that must be kept under the terms of the permit
- c. To inspect at reasonable times any monitoring equipment or method of monitoring required in the permit;
- d. To inspect at reasonable times any collection, treatment, pollution management, or application facilities; and
- e. To sample any waters of the state or discharge of pollutants.

G6. Permit Modifications:

The permittee shall develop and implement an updated dairy nutrient management plan pursuant to Condition S6 of this permit when dairy facility expansions, production increases, or process modifications will (1) result in new or increased generation of animal wastes beyond the scope of the current dairy nutrient management plan, or (2) violates the terms and conditions of this permit.

G7. Permit Modified or Revoked:

After notice, coverage under this general permit may be modified, or revoked during its term for cause as follows:

- a. Violation of any terms or conditions of the permit,
- b. Failure of the permittee to disclose fully all relevant facts or misrepresentations of any relevant facts by the permittee during the permit issuance process;
- c. Information indicating that the permitted application poses a threat to human health or welfare;
- d. A change in ownership or control of the source, or
- e. Other causes listed in 40 CFR Part 122.62 and 122.63.

Revocation of coverage under this general permit and re-issuance as an individual permit or coverage under this general permit alone may be initiated by the Department of Ecology.

G8. Reporting a Cause for Revocation:

A permittee who knows or has reason to believe that any activity has occurred or will occur which would constitute cause for revocation of coverage under this general permit and/or reissuance under condition G7. or 40 CFR Part 122.62 must report such information, to the Department of Ecology so that a decision can be made on whether action to modify or revoke and reissue a permit will be required. The department may then require submission of a new application. Submission of such application does not relieve the dairy owner or operator of the duty to comply with the existing permit until coverage under it is terminated.

G9. Revocation for Non-Payment of Fees:

The Department of Ecology may revoke coverage under this general permit if the permit fees established under Chapter 173-224 WAC are not paid.

G10. Other Requirements of 40 CFR:

All other requirements of 40 CFR Sections 122.41 and 122.42 are incorporated in this permit by reference.

G11. Compliance With Other Laws and Statutes:

Nothing in the permit shall be construed as excusing the permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations.

G12. Additional Monitoring:

The Department of Ecology may establish specific monitoring requirements in addition to those contained in this permit by administrative order.

G13. Duty to Reapply:

The permittee must reapply for permit renewal at least 180 days prior to the expiration date of this permit,

G14. Change of Ownership or Control:

The permittee shall notify the Department of Ecology regional office in writing 30 days prior to a change in facility ownership or a change in the lessee control.